

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

DAVID CARLTON BROWN,

Petitioner,

v.

M. E. POULOS, Warden,

Respondent.

Civil No. 08-0017 JM (NLS)

**ORDER DENYING IN FORMA  
 PAUPERIS APPLICATION AND  
 DISMISSING CASE WITHOUT  
 PREJUDICE**

On January 2, 2008, Petitioner, a state prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. On January 15, 2008, the Court dismissed the Petition because Petitioner failed to satisfy the filing fee requirement. The Court informed Petitioner that, in order to have his case reopened, he would have to either pay the \$5.00 filing fee or provide adequate proof of his inability to pay, before March 10, 2008.

On February 6, 2008, Petitioner filed a request to proceed in forma pauperis which reflects a \$6.31 balance in his prison trust account. The filing fee associated with this type of action is \$5.00. See 28 U.S.C. § 1914(a). It appears Petitioner can pay the requisite filing fee. Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and **DISMISSES** the

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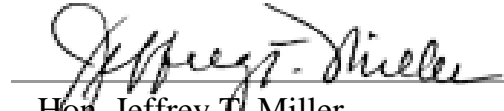
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1 case without prejudice; Petitioner may submit a copy of this order along with the requisite fee  
2 or proof of his inability to pay, **no later than April 21, 2008**, to have the case reopened.

3 **IT IS SO ORDERED.**

4 DATED: February 20, 2008

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6 Hon. Jeffrey T. Miller  
7 United States District Judge  
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